

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the above amendments and in light of the following discussion, is respectfully requested.

Claims 29-30, 35-58, and 61-62 are pending in the application. Claims 29, 30, and 39-52 are currently amended. Claims 35-37, 53-58, 61, and 62 are withdrawn from consideration and currently amended. Claims 1-28, 31-34, and 59-60 are canceled without prejudice or disclaimer. Support for the amendment of Claim 29 can be found in original Claims 59 and 60. Support for the amendment of Claims 30 and 39-52 is self-evident. Support for the amendment of withdrawn Claims 35-37, 53-58, 61, and 62 is self-evident. No new matter is introduced.

In the Office Action Claim 47 was objected to for an informality. Claims 44, 47, and 50 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite.¹ Claims 29-31, 52, and 59 are rejected under 35 U.S.C. § 102(b) as anticipated by Yasuhiro (JP 07-259888). Claim 50 is rejected under 35 U.S.C. § 103(a) as unpatentable over Yasuhiro. Claim 51 is rejected under 35 U.S.C. § 103(a) as unpatentable over Yasuhiro in view of Maki (EP 0312275). Claims 29-31 and 38-49 are rejected under 35 U.S.C. § 103(a) as unpatentable over Kashiwase (U.S. Patent No. 5,273,492) in view of Yasuhiro.

In response to the objection to Claim 47, Claim 47 recites “differential” in accordance with the Office Action’s suggestion. Accordingly, the Applicants respectfully request the objection to Claim 47 be withdrawn.

With respect to the rejection of Claims 44, 47, and 50 under 35 U.S.C. § 112(2), Claim 44 recites “the hydraulic control unit is fed operating oil.” Claims 47 and 50 each recite “powqer of a prime mover.” Accordingly, the Applicants respectfully request that the rejection of Claims 44, 47, and 50 under 35 U.S.C. § 112(2) be withdrawn.

¹ The Office Action of April 15, 2009, at page 2, line 15 also lists Claim 49 as indefinite under 35 U.S.C. § 112(2) but does not provide detail on the particular rejection.

Claims 32 and 60 were objected to as being dependent on a rejected base claim, but indicated as allowable if rewritten in independent form. The indication of allowable subject matter is greatly appreciated. In response, amended independent **Claim 29 incorporates the features of allowable Claim 60 including the features of intermediary Claim 59.** Accordingly, amended independent Claim 29 is respectfully submitted to be in condition for allowance as indicated by the Office Action.

Dependent Claims 30 and 38-52 are respectfully submitted to be in condition for allowance for at least the same reasons as amended Claim 29 from which they depend. Moreover, the dependent claims recite additional features not suggested or disclosed by the cited references.

Dependent Claims 35-37, 53-58, 61, and 62 are respectfully requested to be rejoined. In accordance with MPEP 1893.04(d), non-elected Claims 35-37, 53-58, 61, and 62 each require all the limitations of independent Claim 29, which is believed to be in condition for allowance. Accordingly, Claims 35-37, 53-58, 61, and 62 are respectfully submitted to be in condition for allowance for at least the same reasons as amended Claim 29.

For the reasons discussed above, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance for Claims 29-30, 35-58, and 61-62 is earnestly solicited.

Should Primary Examiner Pang deem that any further action is necessary to place this application in even better condition for allowance, he is encouraged to contact the Applicants' undersigned representative at the below-listed telephone number.

Respectfully submitted,

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